

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

1) JOE D. CHITWOOD,)
)
)
 Plaintiff,)
)
)
v.) Case No.: 19-cv-372-Raw
) ATTORNEYS' LIEN CLAIMED
1) CITY OF WETUMKA,) JURY TRIAL DEMANDED
OKLAHOMA,)
)
 Defendant.

COMPLAINT

COMES NOW Plaintiff and for his claims and causes of action against Defendant states and alleges:

1. Plaintiff, Joe D. Chitwood, is a resident of Hughes County, Oklahoma.
2. Defendant, City of Wetumka, Oklahoma, is a municipal corporation in the Eastern District of Oklahoma.
3. Jurisdiction of this court is invoked pursuant to 28 U.S.C. § 1331, in that this action arises under federal laws, including, but not limited to, 42 U.S.C. § 1983. The supplemental jurisdiction of this court for state law claims is invoked under 28 U.S.C. § 1337.
4. For almost two years up until June 11, 2019, Plaintiff was the non-probationary police chief of the City of Wetumka, which participated in the Oklahoma state police pension plan.
5. On June 11, 2019, Plaintiff was terminated without cause, and with neither

pre-termination nor post-termination procedures.

6. As a result of this violation of Plaintiff's civil rights, he has lost wages and other benefits of employment, has lost his job, has endured humiliation and emotional distress.
7. In addition, Plaintiff was paid an hourly rate of \$17.25 per hour and during his time as police chief accrued approximately 1,700 hours in compensatory time for which he was not compensated at one and a half the regular rate of pay, to his damage in the approximate sum of \$42,500.
8. The failure of Defendant to pay the compensatory time as required by law was such as to subject it to liability for liquidated damages.
9. Plaintiff timely has made notice on the City of Wetumka under the Oklahoma Governmental Tort Claims Act, which was denied, and this lawsuit timely commences.

WHEREFORE, premises considered, Plaintiff prays for judgment against Defendant in the sum of \$600,000, interest, costs, attorneys' fees, reinstatement to his job position, other equitable relief, and any and all other relief to which he is deemed entitled.

Respectfully submitted,

FRASIER, FRASIER & HICKMAN, LLP

By: **/s/*Frank W Frasier***

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